

Claims 1 and 22 are also amended to clarify grammar, to clarify that the DP provides a directory “organized by” fields and/or super categories and categories and referencing CDWs related to the categories. Such should help clarify the findings of fact in the Decision and the differences between the references and the claimed invention. The figures illustrate such organization.

Independent claims 1 and 22 are further amended to recite that each CDW provides a lower level directory “comprehensively” referencing “viable” websites, [0018] and that the business model imposed on the CDWs “includes a standard of comprehensiveness and up-to-dateness.” Reference to a standard of comprehensiveness is found in prior claim 4 and paragraph [0069]. Reference to a standard of up-to-dateness is found in prior claim 5.

#### Re Non-Obviousness

The Decision of the Board found prior claim 1 obvious over the combination of the Yahoo and PriceWatch references. Applicant respectfully traverses various findings of fact of the Decision, and conclusions of the Decision, and as well argues the non-obviousness of the claims over the references in terms of the new *KSR* reasoning.

#### Preliminary Matter

Traversal of the Examiner’s PriceWatch Reference, as comprising a suitable Printed Publication Having a Publication Date of 1/28/2003.

Applicant is unable to reproduce the Examiner’s page 2 of the cited reference www.pricewatch.com archived web pages of 1/28/2003. Evidence indicates that it is impossible to do so. (See below.) The evidence further indicates that the Examiner’s “page 2” has an actual date of 7/18/2006, not 1/28/2003, as represented. To the extent applicant is wrong, clarification is respectfully requested. Otherwise, applicant submits that page 2 should be withdrawn from the reference.

(More particularly, when applicant attempted to reproduce the lower half of page 2, applicant could do so only as of the current date. The same appears to be true for the Examiner in July of 2006. The content on the Examiner’s page 2, the lower half, appears to witness a date of the time of 16:56 hours and the date of 7/18. The 7/18 must be deemed to be July 18 of 2006, coinciding with a few days prior to the mailing date of the Action containing the reference.)

Applicant further attaches a disclaimer found for all information presented at the above referenced archived website, stating (1) that PriceWatch accepts no liability as to of the accuracy of the information and (2) admits that the information provided is not only not guaranteed to be accurate but may be wholly unreliable and completely useless. See attached. This disclaimer was not discussed by the Examiner. For such reason applicant submits that the archived PriceWatch website does not qualify as a suitable “written publication” under §103. Applicant will continue to treat PriceWatch as a

reference, however, giving the Examiner opportunity to clarify how page 2 can be found in a 1/28/2003 printed publication and to present evidence in support of the reliability of the pages as a “printed publication” of 1/28/2003.

Claim 1 – Representative of the Independent Claims for the Instant Discussion

“An improved Internet Directory System, comprising:  
at least one upper-level Directory Provider (DP),  
providing a directory organized by at least upper-level fields and/or  
super-categories and categories, and referencing **hundreds** of  
independently owned (from each other and from the Directory Provider)  
for-profit Category Directory Website (CDWs) related to the categories;  
the hundreds of CDWs each providing at least a lower  
level directory **comprehensively** referencing viable websites (WSs)  
relating to a category;  
the **CDWs being identified** as participating in the  
System by at least a mark or a URL portion; and  
a business model **imposed on at least the CDWs**,  
including standards of operation of **comprehensiveness and up-to-  
dateness.**” (emphasis supplied)

Brief Summary of Background of the Technology

As discussed in the Background of the Invention section, starting with paragraph [0004] and Figure 1, inclusive single Internet Directories dominate the “directory-style” prior art, as opposed to a “search engine” style, where a user, as per paragraph [0004], proceeds in a single directory through upper level fields and/or super categories and categories down to sub-categories until a targeted website is located. No independent, for-profit lower level directories are involved. The drawback to this approach, as discussed in paragraph [0005], is that the number of categories and sub-categories is so huge that experience shows that it is beyond the ability of the single Directory Provider to monitor, manage and update the system. The quality of the directory as a System, and the lower level directories, suffers. The success of any search is seriously compromised. As mentioned, there is a potential for thousands or even millions of categories and subcategories. See references Morimoto, Hansen and Chitrapura for confirmation

Paragraph [0005] teaches that one improvement adopted by the prior art to correct this drawback is for various categories to be monitored by volunteers – the Open Directory Project, begun in the late 1990’s. The remainder of paragraph [0005] chronicles the drawbacks that have been encountered with this new “improved” ODP technique.

Paragraph [0008] recites that, to provide proper category management and specialized support, a number of independent directory websites have developed. Paragraph [0009] lists the drawbacks to this development, of the number of independent, category related directory websites. One drawback is that

they are not easily located, such as by all being listed and categorized in an upper level directory, or readily identifiable, as by a common mark or a URL. Another drawback is that they do not adhere to a common business model with at least operating standards of comprehensiveness and up-to-dateness. Two examples in the medical and legal profession are given to exhibit these drawbacks.

The cited references PriceWatch and Yahoo illustrate these very drawbacks. PriceWatch does not purport to be comprehensive or up-to-date. PriceWatch explicitly disclaims both such standards. (E.g. See PriceWatch page 4: In answer to the question of why PriceWatch is not comprehensive, PriceWatch answers: “retailers decide what they want to advertise.” In answer to the question of why PriceWatch is not up-to-date, PriceWatch answers: “apparently the dealer in question has not found time to update their website.” No business model is imposed upon, or accepted by, PriceWatch, from any Internet Directory System, much less a business model with operational standards of comprehensiveness and up-to-dateness, standards which PriceWatch expressly disclaims.

Further, Yahoo is not shown to reference “hundreds” of CDW’s, much less “thousands.” Yahoo’s referenced lower level directories are not identified as participating in a comprehensive Internet Directory System by any mark or URL portion, and they do not exhibit any common business model among themselves, much less a model with operating standards including at least comprehensiveness and up-to-dateness.

#### Summary of the References and Their Differences from the Independent Claims

To Summarize: (1) The Yahoo reference is relied on for disclosing a directory of directories, for teaching an upper level directory that references independent category related lower level directories. (Decision, page 11.) However, “hundreds” of independent category related directory websites are not identified as existing, much less thousands, referenced by Yahoo. (Referencing plurality of retailers choosing to advertise in self-styled “on-line magazine” PriceWatch is not at all the same thing. The retailers are not CDWs, not directories. A website is not a directory, a site listing names, contact information and other data relating to a category. See attached Web Directory Definition. There is no teaching that PriceWatch accepts any business model imposed on itself nor is there any motivation presented for it to do so. Applicant, to the contrary of Yahoo and PriceWatch, teaches an elaborate economic incentive for calling into being hundreds of independent, for-profit category directory websites, all having a business plan imposed on them and identified as participating in an Internet Directory System by an identifier mark or URL portion. Applicant’s teachings provide context, and supply motivation, for calling into existence hundreds or thousands of such directories. Yahoo and PriceWatch have no such teaching.)

The magnitude of the number of CDWs is important to the value of the System. It is not a mere difference in scale. Absent “hundreds” of CDWs, and preferably “thousands,” (claims 29 and 41) the system does not rise to the level of a comprehensive Internet Directory System. The difference between hundreds and a few is significant, not trivial.

(2) PriceWatch is cited as an exemplary lower level category directory website, a CDW (Answer page 14.) PriceWatch references websites (WSs), not directories (not CDWs), as the Decision acknowledges (Answer page 14.) There is no teaching or suggestion that any such independent directory website, any CDW, either one referenced by Yahoo or “exemplary” PriceWatch, has a business model imposed on it, much less including standards of operation of comprehensiveness and up-to-dateness. PriceWatch in fact teaches away from such a business model being imposed on itself.

(3) There is no teaching or suggestion in Yahoo or PriceWatch of “the CDWs” being identified as participating in an Internet Directory System by a mark or a URL portion. The Examiner’s reference to the “Buy Online” mark (at most) indicates participation by a website in the PriceWatch magazine, not at all the same thing.

To reiterate, PriceWatch, relied on as an exemplary category directory website (Answer page 19,) does not purport to offer a comprehensive listing of viable websites relating to its categories and subcategories. PriceWatch explicitly does not purport to “comprehensively” reference all viable dealers in any category. PriceWatch disclaims such standard. PriceWatch, a self proclaimed magazine where “dealers” who wish to offer their goods for sale can advertise, (page 4) teaches the opposite of comprehensiveness in its listings (see page 4). There is also no teaching of requiring up-to-dateness for itself, PriceWatch, or for its “Advertisers.” Although to be listed on PriceWatch a dealer/retailer website must meet certain “advertiser standards,” these standards are not imposed on CDWs, and the standards do not include “comprehensiveness” or “up-to-dateness.”

#### Recap of Differences Between the References and Independent Claims 1 and 22

The references do not teach or suggest the (1) existence of “hundreds,” much less “thousands,” of independent for-profit category related directory websites, much less referenced by Yahoo, (2) with a business plan imposed on the CDWs including operating standards of comprehensiveness and up-to-dateness, and (3) the CDWs identified as participating in an Internet Directory System by a mark or URL portion.

(1) The only source of a teaching of hundreds (or preferably thousands) of category related, independent, for-profit, lower level directories, (in turn referenced by an upper level directory and with a business model and including an identifying mark or URL imposed on the lower level directories) is applicant.

(2) The references neither teach or suggest a business model imposed on independent, for-profit, category related, lower level directories, with hundreds or thousands of them, much less a business model that includes operating standards of comprehensiveness and up-to-dateness. (Advertising standards met by retailer websites who apply to advertise on the PriceWatch are standards for websites, not directories. Neither the content is the same nor are the entities the same.) The “exemplary” CDW, PriceWatch, teaches away from applying a standard “comprehensiveness” to itself, as well as any standard of up-to-dateness. (Page 4)

(3) Claims 1 and 22 recite that each category related, for-profit, independent, directory website (CDW) is identified as participating in the System by at least a mark or a URL portion. PriceWatch neither teaches or suggests directories being identified as participating in an Internet Directory System by a common mark or URL portion.

#### Further Differences between References and Certain Dependent Claims

A. In regard to certain dependent claims, the Internet Directory System, to appeal to users of the Directory Provider, (claim 29 and 41) preferably should reference not just hundreds but thousands of independent category related directory websites. These are independent, for-profit, category related directories that have a business model imposed on them of at least comprehensiveness and up-to-dateness and identify themselves as participating in an Internet Directory System by a mark or URL portion. Applicant’s disclosure and invention provides context and motivation for calling these non-existing hundreds and/or thousands independent, for-profit, category related directory websites into being, with an imposed business model and identifier.

B. The references teach no system where independent, for-profit category related directory websites are identified by a portion of a URL, in particular a top level domain (TLD). See claims 2, 4, 16, 17, 24, 25.

C. Claims 3, 5-15, 18, 19, 26-28, 30-31, 33-35, 37-38 recite many additional standards of operation and aspects of a business model imposed on the hundreds of independent, for profit category related directory websites and/or the upper level directory. Yahoo and PriceWatch do not disclose independent, for profit category related directory websites, CDWs, that have imposed upon them such standards of operation. PriceWatch does not so teach. PriceWatch is not directed to a business model imposed on lower level directories. PriceWatch does not teach the specific standards of operation.

#### The Differences are Significant

The indication of hundreds and preferably thousands of CDWs in the Internet Directory System is not an insignificant variation in scale. The presence of hundreds and preferably thousands of CDWs in the Internet Directory System indicates that the Internet Directory System is comprehensive, is

sufficiently large to be useful to users, is inviting to turn to as a reliable resource for finding a proper CDW. The number of CDWs referenced by the Internet Directory System needs to be sufficiently large to attract repeat users with reasonable expectations of success. Reference to a few CDWs (by Yahoo) under a broad field of “business” does not generate the expectation of a comprehensive Internet Directory System organized in accordance with fields and/or super categories and categories relating to lower level category directories that are again organized in accordance with categories and subcategories, and are comprehensive and up-to-date. Lack of this expectation is discussed as a drawback of the prior art. Yahoo’s listing of a few directories under a broad field generates no reliable expectation of finding a target CDW. With respect to a hierarchy of fields and/or super categories and categories, such as exhibited by PriceWatch, it is not clear that Yahoo could have referenced a lower level directory for many of its categories. There was no incentive for Yahoo to develop extensive fields and/or super categories and categories for referencing CDWs that did not exist.

Independent, for-profit category directory websites (CDWs) are a relatively a new form of “business.” The state of the art of Internet Directory Systems is not advanced. There is no evidence of any teaching or suggestion of a business model imposed on any such CDWs. There is no evidence of motivation, outside the instant application, to so impose a business model on new, independent, for-profit category directory websites. There is no evidence that business models in general are always imposed on every sort of independent for-profit business.

There is no evidence of hundreds of independent, for profit, category related directories adopting a mark or URL portion indicating participation in any Internet Directory System. Such lack of business model (above) and identifying symbol is significant. The mark or URL portion indicates participation in an Internet Directory System that is sufficiently comprehensive and useful and reliable to attract the repeat business of users. The mark helps the user locate a CDW that is expected to exhibit comprehensiveness and up-to-dateness. The presence of the mark and the business model is significant to overcome drawbacks in the prior art, as discussed in the beginning of the instant application, the lack of a comprehensive Internet Directory System, the lack of the ability to identify comprehensive category directory websites and the lack of up-to-dateness and comprehensiveness in such category directory websites.

Overcoming the differences between the prior art and applicant’s invention is a huge step. The motivation and expectation of success for the huge step is taught by applicant, not the prior art. The field is in a nascent state.

Non-Obvious as per KSR

Applicant submits that the combination of elements in the instant invention is not obvious to one of ordinary skill in art in light of the references Yahoo and PriceWatch, the differences between the claims and the references, and common knowledge or common sense.

One of ordinary skill would not believe, absent the detailed teaching and reasoning of the instant invention, that the claimed combination was feasible or advisable. This is a relatively new field, not advanced. No evidence or reasoning is presented for such belief, or for any motivation to make the combination. One of ordinary skill would not believe that hundreds of independent, for-profit, category related directories would arise, much less thousands, and agree to the imposition of a business model, including standards of operation of completeness and up-to-dateness, and adopt an identifying mark as a lower level directory and be listed by an upper level directory. Only the instant application provides detailed incentives and motivation for calling the above Internet Directory System into being.

There is no indication or suggestion that either Yahoo or PriceWatch was “ready for” the improvements disclosed by applicant’s unique combination. The improvements involved are not simple but extensive. As discussed above, the prior art was moving in the direction of single provider directories and/or a few independent (non-unified) category specific lower level directory websites. Only applicant teaches the motivation and the feasibility of the instant Internet Directory System: e.g. an upper level directory of hundreds (or thousands) of lower level independent for-profit directories, organized by fields and/or super categories and categories, with a business model imposed upon the independent, for-profit lower level directories, including comprehensiveness and up-to-dateness, and with a mark identifying the lower level directories as participating in an Internet Directory System. The PriceWatch business model imposed on retailers (who are not directories) is not a business model appropriate for a directory. No business model for directories is taught.

There is no evidence that a person of ordinary skill, based on the references and “common sense,” would have seen the benefits of applicant’s combination, and would have believed, based on Yahoo and PriceWatch and common sense, that hundreds of independent, for-profit category related directory websites could arise and agree to the imposition of a business model, including operating standards of comprehensiveness and up-to-dateness, and would all be listed by an upper level directory of directories, and would have a common identifying mark or URL portion indicating participating in the Internet Directory System. Applicant submits that it is not a simple act of common sense for one of ordinary skill to significantly and substantially change Yahoo or PriceWatch, and to ignore the teaching away of the prior art as a whole and the teaching away of PriceWatch in particular, and to add elements not taught by PriceWatch or Yahoo, in order to reach applicant’s invention.

Applicant's particular invention is not dictated by the nature of the problem to be solved, namely securing a comprehensive up-to-date and identifiable Internet Directory System. Other approaches are possible and indeed are pursued by the prior art.

More specifically, it is not the case that it is obvious that a business model, used in a relationship between an "online magazine" and retailers, should to changed 100% in its content and be used between different parties, an Internet Directory System and hundreds of lower level, category related, independent, for-profit directories. No instance of a business model imposed on a lower level category directory has been cited.

#### Facts Distinguish from KSR

The instant invention is not an instance of uniting old elements with no change in the respective functions, nor an instance of a combination of familiar elements applying known methods. The instant invention is not an instance where old elements each perform the same function it had been known to perform. The instant invention is not an instance of a structure already known in the prior art that is altered by the mere substitution of one element for another, known in the field. A business model for lower level directories was not familiar. A mark for lower level directories was not familiar. Hundreds, or thousands, of referenced for-profit, lower level directories (offering comprehensiveness and up-to-dateness) was not familiar.

The references do not identify "a technique used to improve one device" where one of ordinary skill in the art would recognize that "the technique" would improve a similar device in the same way. This is not a case of a simple substitution of one known element for another. No such "techniques" or simple substitution has been identified.

The instant invention is not a combination which only unites old elements with no change in the respective functions. The elements combined herein are not familiar and/or display new novel functionality.

#### Not a Predictable Variation – in Particular

Applicant's invention is not a predictable variation of Yahoo or PriceWatch singly or in combination. PriceWatch is limited in scope to a single independent for-profit CDW that eschews any aspiration to comprehensiveness or up-to-dateness. PriceWatch aspires to be an online publication where qualifying websites apply to advertise. PriceWatch does not contemplate, teach or suggest an Internet Directory System involving an upper level directory referencing hundreds of CDWs following a common business model. PriceWatch does not teach or suggest requiring comprehensiveness or up-to-dateness either of itself or of its advertising websites, and indeed its standards for the websites teach away from



such operating business standards. Websites do not qualify to advertise with PriceWatch by being comprehensive and up-to-date.

Yahoo does not address the problem of applicant. Yahoo does not teach or suggest referencing hundreds of CDWs all with a business model having the operating standards of comprehensiveness and up-to-dateness. Yahoo does not teach or suggest imposing any standards upon the CDWs that it references. Yahoo does not teach or suggest that the CDWs that it references are identified as participating in an Internet Directory System by an identifying mark or URL. Yahoo does not teach or suggest imposing any uniformity on the CDWs that it references, nor any benefit from such.

Re Specific Statements in the Decision of the Board in Regard to Obviousness - Traversals

I. Applicant respectively traverses the Decision's conclusory statement that the combined teachings of PriceWatch and Yahoo, as applied by the Board, renders obvious the instant claims in light of the holdings of KSR. First, there is an absence of sufficient explicit analysis, including articulated reasoning with rational underpinning, in support of the assertion that it is obvious to make all of the extensive modifications that the combination entails. Neither the references, market demand, background knowledge or common sense dictate combining the elements in the fashion claimed by applicant. (KSR at 1740-1741.) The combined teachings of PriceWatch and Yahoo follow the prior art, as disclosed by applicant in the Background of the Invention section paragraphs [0004] through [0015], discussed above, which prior art lacks several elements of the claims and teaches away from the instant System. (See discussion above.) The differences between the references and the claims are significant. (See discussion above.)

II. Applicant traverses that the "Buy Online" hyperlink, provided to permit PriceWatch users to go to an Accubyte or Globus link for a purchase, and which is associated with retailers advertising in the PriceWatch online magazine, comprises a mark on URL portion by which "directories" are identified as "category directory websites" participating in an "Internet Directory System." At most the "Buy Online" mark might identify retailers as participating in a PriceWatch purchasing system. The claim language recites a mark or URL portion indicating a plurality of CDWs participating in an "Internet Directory System." Applicant traverses, thus, the assertion that the limitation of the claim is found in either reference. The Decision admits, page 14, that the "Buy Online" URL identifies a website as participating in a CDW (PriceWatch.) No teaching is identified, and no reasoning is provided, for the subsequent conclusion (Decision page 14) that one of ordinary skill "would thus understand" the "Buy Online" URL to identify CDW websites as participating in the Internet Directory System. No reasoning covers this logical jump.

Applicant traverses the Examiner's findings of fact 2, 3 and 4.

Applicant has amended claim 1 to avoid a confusion in the Answer and Decision in regard to the word “directory.” Applicant amends claims 1 and 22 to recite an upper level directory provider providing a directory “organized by” at least upper level fields and/or super categories and categories and referencing hundreds of independently owned (from each other and from the directory provider) for-profit category directory websites (CDW’s relating to the categories. The upper level directory is of CDW’s, a directory of directories. The upper level directory includes at least upper level fields and/or super categories and categories. The CDWs, the lower level directories, are related to the categories. See Figures.

Finding of fact 2 (page 5 of the Decision) asserts that PriceWatch discloses an internet directory “of” “New Computer Components.” Properly stated, PriceWatch discloses an internet directory “of” retailers related to the category of “new computer components.”

Finding of fact 3 (page 5) recites that for each item (“New Computer Component”) in the internet directory [of PriceWatch,] there is a lower level directory of “Systems-Window Links.” More properly stated, for each category (New Computer Component) in the internet directory [PriceWatch] there is a lower level directory of retailers related to a sub-category, (Systems-Window Links.) In accordance with the definition of web directory from Wikipedia (attached) a web directory is a directory on the World Wide Web specializing in linking to other websites and categorizing those links. (See attachment) The PriceWatch subcategory “systems” is under category “New Computer Components;” subcategory PC-Windows is under subcategory “Systems.” Under “Systems-Windows Links” is a set of references to retailers. (Accord the Answer, page 19, reciting that PriceWatch is “an exemplary CDW” teaching a CDW providing at least a lower level directory referencing websites relating to a category. The Board Decision “agrees with” the Examiner’s Answer. See Decision top of page 12. Thus, the Decision agrees with the Examiner’s findings beginning on page 6 of the Answer and the Examiner’s corresponding responsive arguments beginning at page 18 of the Answer.)

The Decision uses the confusing term “item” (not in the claims) (page 5) to refer to categories and/or sub-categories in a CDW. Finding of fact 4 recites that for each “subcategory,” (and gives an example) there are “Buy Online” URLs provided to participate in the PriceWatch purchase. Thus, first the function of the “Buy Online” URL is admitted to be permitting a user to participate in a purchase using PriceWatch. Even if the URL is regarded inherently as an identifier of a website’s participation in PriceWatch in addition to functioning to permit a user to participate in a PriceWatch’s System, the URL does not identify PriceWatch as participating in anything. On page 13, lower paragraph, the Decision repeats finding of fact 4 agrees with the Examiner finding that PriceWatch discloses or suggests a mark or the URL portion as set forth beginning on page 6 on page 19 of the Answer. On page 6 of the Answer

the Examiner asserts that PriceWatch teaches an improved Internet Directory System comprising the plurality of CDWs. As above discussed, however, to the contrary, PriceWatch is admitted to provide an exemplary CDW, not a plurality of CDWs. Page 6 of the Opinion continues to say “the CDWs,” which properly stated should be the single PriceWatch CDW, “being identified as a category directory websites participating in the system by at least a mark or the URL portion.” Since PriceWatch cannot and does not teach a plurality of CDWs identified as participating in the Internet Directory System by a mark or URL portion, the conclusion cannot hold.

Applicant traverses the fact finding of page 20 of the Answer, that Yahoo imposes a business model of “the company” on CDWs. Since applicant notes that the Board Decision does not support or follow the Answer here, further discussion appears unnecessary.

#### Incomplete and/or Ambiguous Statements

The Examiner’s Answer, page 19-20, contains unintelligible sentences to which the applicant cannot respond and for which clarification is requested

“Applicant also argues that Pricewatch in view of Yahoo do not teach “the CDWs being identified as Category Directory Websites participating in the System by at least a mark or URL portion”, it is respectfully submitted that the Pricewatch reference, page 3 shows participation in the system is contained in every participating are in fact identified by the “Buy Online” URL. In fact, the mere inclusion of in the list at any level in the System means that anything included in that business listing could be considered a “mark”, given the broadest reasonable interpretation. It is therefore respectfully submitted that the limitation is obvious over Pricewatch in view of Yahoo.”

The first two sentences do not comprise grammatical sentences and cannot be understood and therefore cannot be addressed. The third sentence is merely a conclusory statement.

Applicant traverses the findings of facts 2, 3 and 4 on page 5 of the Decision, above discussed, also upon the basis of comprising incomplete and ambiguous statements, (for reasons addressed above.) Applicant submits that finding of fact 2 is properly stated as: “PriceWatch discloses an internet directory of website providers of product relating to the PriceWatch category of new computer components.” Applicant submits that finding a fact 3 is properly stated as: “for each category (“new computer components”) in the internet directory, there is a lower level sub-category (of systems – window links.) Finding of fact 4 is properly stated as: “for each subcategory in the lower level directory” (computer systems – windows complete AthlonXP 2200 CD) there are Buy Online hyperlinks provided which enable users to participate in a PriceWatch purchase system and which at most identify retailers as participating in the PriceWatch advertising system.”

The Answer/Decision can be interpreted as pointing to a “hyperlink mark” as inherently identifying websites as participating in a lower level directory. No mark, however, is cited that identifies directories, “the CDWs,” as category directory websites participating in the Internet Directory System.

There is no motivation or reasoned analysis supporting modifying the PriceWatch’s hyperlink to become the “mark” recited in the claim. Neither reference indicates hundreds of CDWs using the same mark to indicate participation together in an Internet Directory System. No motivation is provided for the logical leap from PriceWatch (inherently) identifying its participating retailers with a “Buy Online” hyperlink to hundreds of category directory websites indicating participation in an Internet Directory System by a common mark or URL portion. Again, it is the category directory websites, the CDWs, that are identified as participating in the Internet Directory System by the mark or URL.

#### Summary of Board Decision

In Summary, applicant traverses the Board’s Decision, first, because it imprecisely and ambiguously states findings of fact, leading to erroneous conclusions.

Secondly, as a matter of law, applicant submits that it is proper for applicant to point out that neither reference, singly, teaches or suggests all limitations in the claims nor teaches or suggests motivation to make changes in elements of the reference in order to create applicant’s combination. Applicant has not committed legal error by “attacking references individually,” to identify differences but rather follows case law procedure. Addressing the teachings, suggestions and motivation of the references, in turn, individually, is well recognized and appropriate. The Court in KSR followed that procedure. The court in KSR started with one reference and provided the explicit source of motivation for each change to that reference required in order to reach the claimed invention. In the process, evidence of teaching away was shown not to exist. (KSR p 1744-1745.) The KSR court repeated the procedure with the other reference.

Assuming applicant is correct about the teachings of the individual references by themselves and about the differences between each reference and the claims, and that neither “common knowledge” nor “common sense” suggests making the changes required and the combination required to erase the differences and reach applicant’s claims, then applicant’s combination is non-obvious, as a matter of law.

KSR found that a person of ordinary skill would be able to fit the teachings of multiple patents together like pieces of a puzzle only “in many cases.” Many cases are not all cases. The “many cases,” the court goes on to point out, involve the use of “common sense” and/or the situation where “familiar items” have “obvious uses beyond their primary purposes.” (KSR p. 1742) The reasoning of KSR goes far beyond a mere locating of claim limitations in isolated references. The reasoning of KSR compels an investigation, exposition and discussion of the background and context of the invention, including,

importantly whether this was a technology area that was in “an advanced state” In KSR a marketplace was demonstrated that created a strong incentive to make the very change necessary between the two references. (KSR p. 1744.) It was demonstrated that prior art other than the references taught a number of methods for achieving the very combination. A wide range of needs created by developments in the field in question were demonstrated in KSR to evidence the extent to which one of ordinary skill in the art was not “writing on a blank slate.” (KSR p. 1744.) It was demonstrated in KSR that, in the very field of the invention, interaction of multiple components typically meant that changing one component required others to be modified. Id. Technological developments were evidenced and demonstrated from the prior art that such that it was clear at the time “what would become standard.” The field was in an advanced state. All of the above investigation and evidence from the field of the invention supported the conclusion that designers would have had reason to combine the two references. There was even evidence that making the teachings of one reference work with the teachings of another reference in fact lead to the invention in question.

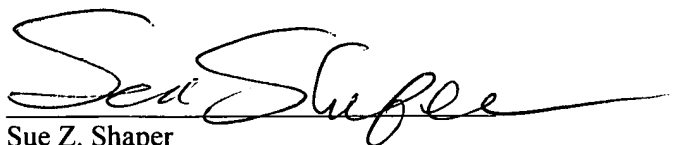
The above evidence and reasoning is absent here. The instant field is nascent, not advanced.

Reconsideration and further examination is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Sue Z. Shaper, Applicants' Attorney at 713 550 5710 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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# Web directory

From Wikipedia, the free encyclopedia

A **web directory** or **link directory** is a directory on the World Wide Web. It specializes in linking to other web sites and categorizing those links.

A web directory is not a search engine and does not display lists of web pages based on keywords; instead, it lists web sites by category and subcategory. The categorization is usually based on the whole web site rather than one page or a set of keywords, and sites are often limited to inclusion in only a few categories. Web directories often allow site owners to directly submit their site for inclusion, and have editors review submissions for fitness.

RSS directories are similar to web directories, but contain collections of RSS feeds, instead of links to web sites.

## Contents

- 1 Scope of listing
- 2 Human-edited directories
- 3 Bid for Position directories
- 4 See also
- 5 References

## Scope of listing

Most of the directories are very general in scope and list websites across a wide range of categories, regions and languages. But there are also some niche directories which focus on restricted regions, single languages, or specialist sectors. One type of niche directory with a large number of sites in existence, is the shopping directory for example. Shopping directories specialize in the listing of retail e-commerce sites.

Examples of well known, general, web directories are Yahoo! Directory and the Open Directory Project (ODP). ODP is significant due to its extensive categorization and large number of listings and its free availability for use by other directories and search engines.<sup>[1]</sup>

However, a debate over the quality of directories and databases still continues, as search engines use ODP's content without real integration, and some experiment using clustering. There have been many attempts to make directory development easier, such as using automated submission of related links by script, or any number of available PHP portals and programs. Recently, social software techniques have spawned new efforts of categorization, with Amazon.com adding tagging to their product pages.

Directories have various features in listing, often depend upon the price paid for inclusion:

- Free submission – there is no charge for the review and listing of the site
- Reciprocal link – a link back to the directory must be added somewhere on the submitted site in order to get listed in the directory
- Paid submission – a one-time or recurring fee is charged for reviewing/listing the submitted link
- No follow – there is a `rel="nofollow"` attribute associated with the link, meaning search engines will give no weight to the link.
- Featured listing – the link is given a premium position in a category (or multiple categories) or other sections of the directory, such as the homepage
- Bid for position – where sites are ordered based on bids
- Affiliate links – where the directory earns commission for referred customers from the listed websites

## Human-edited directories

A human-edited directory is created and maintained by editors who add links based on the policies particular to that directory.

Human-edited directories are often targeted by <sup>Search Engine Optimizers</sup> SEOs on the basis that links from reputable sources will improve rankings in the major search engines. Some directories may prevent search engines from rating a displayed link by using redirects, `[[nofollow[[Link title]]]]` attributes, or other techniques. Many human-edited directories, including the Open Directory Project and the World Wide Web Virtual Library, are edited by volunteers, who are often experts in particular categories. These directories are sometimes criticized due to long delays in approving submissions, or for rigid organizational structures and disputes among volunteer editors.

In response to these criticisms, some volunteer-edited directories have adopted wiki technology, to allow broader community participation in editing the directory (at the risk of introducing lower-quality, less objective entries).

Another direction taken by some web directories is the paid for inclusion model. This method enables the directory to offer timely inclusion for submissions and generally fewer listings as a result of the paid model. They often offer additional listing options to further enhance listings, including features listings and additional links to inner pages of the listed web site. These options typically have an additional fee associated, but offer significant help and visibility to sites and/or their inside pages.

Today submission of websites to web directories is considered as a common SEO (search engine optimization) technique to get vital back-links for the submitted web site. One distinctive feature of 'directory submission' is that it can not be fully automated like search engine submissions. Manual directory submission is a tedious and time consuming job and is often outsourced by the webmasters.

## Bid for Position directories

**Bid for Position directories** or also known as bidding web directories, are paid-for-inclusion web directories where the listings of websites in the directory are ordered according to their bid amount. They are special in that the more a person pays, the higher up the list of websites in the directory they go. With the higher listing, the website becomes more visible and increases the chances that visitors who browse the directory will click on the listing. There are PHP scripts (free and paid versions) for the management of bid for position directories include phpLinkBid (paid), Link Bid Script (free) and a modified link bid version for phpLD (phpLinkDirectory).

## See also

- List of web directories

## References

- ↑ Paul Festa (December 27, 1999), Web search results still have human touch, *CNET News.com*, retrieved September 18, 2007

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